

**OPINION
57-162**

December 23, 1957 (OPINION)

SALES

RE: Sabbath Breaking

We have received your letter of December 17, 1957, in which you ask for an opinion construing section 12-2115, subsection 4 of the North Dakota Revised Code of 1943 as it should be applied to a retail drugstore which, according to your letter, "operates in Grand Forks on Sundays and sells quite a variety of all kinds of merchandise."

Section 12-2115(4) prohibits acts of Sabbath breaking, describes certain acts of Sabbath breaking and excepts certain others. Section 12-2116 provides: "Sabbath Breaking; Punishment. Every person guilty of Sabbath breaking shall be punished by a fine of not less than one dollar nor more than fifty dollars, or by imprisonment in the county jail for not less than one day nor more than twenty days or by both such fine and imprisonment."

Based upon the language of section 12-2115(4) of the North Dakota Revised Code of 1943, it is the opinion of the Attorney General that a retail drugstore may open its doors for business on Sundays and it may legally sell the articles which fall in the following classes: (1) meats and fish (if sold before 10 o'clock a.m.), (2) foods to be eaten on the premises where sold, (3) drugs and medicines (both patent and prescribed), (4) surgical appliances, (5) milk, ice cream and soda fountain dispensations, (6) fruits, candy and confectionery, (7) tobacco and cigars, and, (8) newspapers and magazines. The sale of goods which are not included in the aforementioned enumerated classes constitutes Sabbath breaking and should be dealt with in the manner prescribed by law.

LESLIE R. BURGUM

Attorney General